

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CHRISTOPHER D. HODGE,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 3:07-0458
)	Judge Trauger
CHARLES GANUS, Correctional Officer,)	Magistrate Judge Bryant
)	
Defendant.)	

ORDER

The Magistrate Judge issued a Report and Recommendation on July 23, 2008 (Docket No. 19), to which the plaintiff has filed a timely objection (Docket No. 20). The plaintiff objects to the recommendation to dismiss his case for failure to obtain service upon the defendant and asks for additional time to serve the defendant.

This case was filed on May 2, 2007 (Docket No. 1). In several pleadings, the plaintiff has informed this court that the defendant left his employment at Riverbend Maximum Security Institution on February 5, 2007 and that the plaintiff has been unable to locate him. On December 21, 2007, the Magistrate Judge gave the plaintiff an extension until February 4, 2008 within which to serve the defendant. (Docket No. 17) That extension was prompted by the plaintiff's motion for an extension "to enable me, the Plaintiff, time to contact the Defendant." (Docket No. 16) Now, over seven months later, the plaintiff asks for more time "so defendant can be serve [sic] with Summons and Complaint." (Docket No. 20)

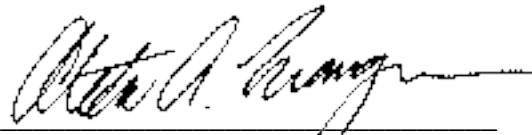
The plaintiff gives no assurance that he will ever be able to locate the defendant by any means, and the pendency of this case cannot be extended indefinitely. Rule 4(m), FED. R. CIV.

P., requires service upon a defendant within 120 days of the filing of the complaint, unless “good cause has been shown.” The plaintiff showed good cause in December of 2007 and was granted a lengthy extension. His objections to the Report and Recommendation do not establish additional “good cause,” and his request for further extension must be denied.

The plaintiff’s Objection is **OVERRULED**. The Report and Recommendation is **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein and herein, it is hereby **ORDERED** that this case is **DISMISSED WITHOUT PREJUDICE** due to the plaintiff’s failure to obtain timely service upon the defendant.

It is so **ORDERED**.

ENTER this 22nd day of August 2008.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', is written over a horizontal line.

ALETA A. TRAUGER
U.S. District Judge